

Senate State & Local Government Committee Amendment #1

Amendment No. 1 to SB0917

**Cohen
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Date _____
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AMEND Senate Bill No. 917*

House Bill No. 1256

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-4-109(a)(1), is amended

by adding the following new items:

(G) All requests, approved in accordance with rules authorized by this subdivision (a)(1), to produce service at a cost in excess of one hundred thousand dollars (\$100,000.00) by means of negotiation with only one service provider shall be filed with the fiscal review committee of the general assembly within fifteen (15) days of the final execution of the agreement or contract. Such request approval shall document the following:

(i) Description of service to be acquired;

(ii) Explanation of the need for or requirement placed on the procuring agency to acquire the service;

(iii) Name and address of the proposed contractor's principal owner(s);

(iv) Evidence that the proposed contractor has experience in providing the same or similar service and evidence of the length of time the contractor has provided the same or similar service;

(v) Explanation of whether the service was ever bought by the procuring agency in the past, and if so, what method was used to acquire it and who was the contractor;

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(vi) Description of procuring agency efforts to identify reasonable, competitive, procurement alternatives (rather than to use non-competitive negotiation or employees and resources of the agency); and

(vii) Justification of why the state should acquire the service through non-competitive negotiation.

(H) All requests, approved in accordance with rules authorized by this subdivision (a)(1), to permit an exception to such rules shall be filed with the fiscal review committee of the general assembly.

(I) The department of finance and administration office of contracts review shall file a quarterly, personal, professional, and consultant service contract report with the fiscal review committee of the general assembly. Such report shall list contracts approved in accordance with rules authorized by this subdivision (a)(1) during the prior quarter and detail whether or not each contract procurement was competitive.

SECTION 2. Tennessee Code Annotated, Section 12-4-109, is amended by deleting subsection (d) in its entirety and by substituting instead the following new language:

(d) Each procuring department or agency shall be responsible for the effective management of all personal, professional; and consultant service contracts procured and under its purview. Notwithstanding the foregoing, the commissioner of finance and administration, in the manner consistent with the approval of regulations promulgated in §12-4-109(a)(1)(A), shall develop regulations that define service contracting fundamentals, including, but not limited to, contract management and subrecipient

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contract monitoring. Such regulations shall require each state agency to file a contract management plan and a subrecipient contract monitoring plan with the department of finance and administration before any contracts procured by the agency are approved.

(1) All contract management and subrecipient contract monitoring plans shall be made available to the fiscal review committee of the general assembly.

(2) The results of subrecipient contract monitoring reviews shall be made available to the fiscal review committee of the general assembly.

(3) The department of finance and administration office of contracts review shall file a quarterly, personal, professional, and consultant service contract termination report with the fiscal review committee of the general assembly. Such report shall list contracts terminated by the state prior to the contract end date during the prior quarter and the reasons therefore.

SECTION 3. Tennessee Code Annotated, Section 12-4-119, is amended by adding the following new subsection:

(e) Commissioner of finance and administration authorization permitting a limitation of liability shall be in writing and shall be filed with the fiscal review committee of the general assembly.

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.